APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,797	06/25/2001	H. Brock Kolls	USA-010-01	2586

31304   7590   05/16/2006

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EXAMINER
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ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/888,797	KOLLS, H. BROCK
	Examiner	Art Unit	
	Elda Milef	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/10/2001,11/25/2002, 1/14/2003, 4/12/2004, 12/06/2004

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35

U.S.C. 112:

> The specification shall conclude with one or more claims particularly
> pointing out and distinctly claiming the subject matter which the applicant
> regards as his invention.

1.   Claims 3-4, 9, 11, 15, 20-21, 23 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claim 3 recites the limitation "the current iteration" in

line 6. There is insufficient antecedent basis for this

limitation in the claim.

Claims 9, 11, 15, 23 recite the limitation "includes data

communicating with a remote location". It is unclear to the

Examiner how data can communicate. Is this limitation to read

the data is transmitted to a remote location or that the

processor will communicate with the server/computer at a remote

location?

Claim 20 recites the limitation "said local authorization

routine" in line 7. There is insufficient antecedent basis for

this limitation in the claim.

Claims 4 and 21 are rejected because of their dependency to rejected claims 3 and 20.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 1-17 are rejected under 35 U.S.C. 101 because the steps of obtaining identification data, testing data, updating local databases, and determining if a limit has been reached as specified in claim 1, do not provide a practical application of an idea resulting in a useful, concrete, and tangible result. The claimed invention relates to gathering data and performing tests on the data. Accordingly, a tangible and useful result is not realized and the claims are therefore rejected under 35 U.S.C. 101. See MPEP § 2106 II (A), and State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

3.   Claims 1-5, 7-8, 10, 12-14, 16-17 are rejected under

35 U.S.C. 103(a) as being unpatentable over Levasseur (US Patent

No. 6,427,912).

Re claim 1: Levasseur discloses:

obtaining at an audit-credit-interactive system a

plurality of card identification data and performing a card

validity test on said plurality of card identification data

("The present invention utilizes a system and method for

approving and processing credit card transactions in an off-line

vending machine or system...the system is so constructed or

programmed to operate to verify acceptable card types, ..by

verifying card number check sums, determine that the credit card

presented…is currently valid, i.e., unexpired, and has an

authorized credit limit…")-see col. 2 lines 42-55;

performing a card usage frequency limit test ("The system

may also be so constructed or programmed to be operable to limit

the number of transactions…limit the number of authorized

transactions…")-see col. 2 lines 55-67;

performing a test of said plurality of card identification

data against a plurality of local databases and updating said

plurality of local databases ("the system can check a credit

card account number against a listing of previously approved

card numbers to identify 'preferred' customers…programming that

compares a credit card account number to an off-line list of

'hot' card numbers before allowing a transaction. The system

can also provide…for updating of a 'hot' card list…")-see col. 3

lines 6-17. Further it is obvious that the "listings" referred

to by Levasseur is a database because the list is accessed by

the system and stored in computer memory-see Fig.1 (41).

Therefore, it is obvious that the electronic "list"

is a database;

determining if a maximum authorization attempts limit has

been reached and selectively returning to step 'b' ("the system

may be constructed or programmed to check recorded transactions

of a credit card account number in the system to limit the

number of authorized transactions to some number based upon

authorized transactions occurring during some previous time

period.")-see col. 2 lines 60-65. It is obvious that **if** the

maximum transaction limit has **not** been reached, the system will

approve another transaction and thus revert to claimed step 'b'

for subsequent transactions.

   Re claim 2: Levassuer disclose:

   performing a local authorization flag test -see col. 1

lines 49-54;

   Re claim 3: For purposes of examination, the Examiner is

interpreting "the current iteration" to mean the current number

of transactions. Levassuer disclose wherein the step of

performing a local authorization flag test (off-line) comprises

determining a current authorization attempt, wherein said

current authorization attempt is the current iteration of a

local authorization routine and comparing said current

authorization attempt to a local authorization routine entry-see

Fig. 1 (43), col. 2 line 55- col. 3 line 4, col. 7 line 4-16,

col. 13 line 61-col.14 line 3.

   Levassuer do not explicitly disclose using a counter,

however, official notice is taken that it is old and well known

in the art of computer programming that counters are frequently

used. For example in object oriented computer programming

languages such as C++, and Java, the use of counters is

commonplace in keeping track of iterations in a "for" loop.

Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to include

keeping track of iterations using a counter as is old and well

known in the art of computer programming in order to provide the

user with an effective way to control the execution of the

program such as in the use of loops.

Re claims 4 & 5: Although Levassuer disclose a system

programmed to determine credit transaction limitation counts

stored in a listing in computer memory thereby limiting the

number of off-line credit transactions authorized, (local

authorization flag test)-see Fig. 1 (43), col. 2 line 55- col. 3

line 4, col. 7 line 4-16, col. 13 line 61-col. 14 line 3.

Levassuer does not explicitly disclose using a counter.

official notice is taken that it is old and well known in the

art of computer programming that counters are frequently used.

For example in object oriented computer programming languages

such as C++, and Java, the use of counters is commonplace in

keeping track of iterations in a "for" loop. Therefore, it

would have been obvious to one having ordinary skill in the art

at the time the invention was made to include keeping track of

iterations using a counter as is old and well known in the art

of computer programming in order to provide the user with an effective way to control the execution of the program such as in the use of loops.

Re claims 7& 8: Levasseur disclose wherein said plurality of card identification data includes data from a credit card and the step of performing a card identification validity test includes a test to determine if said card identification data is expired based on date -see col. 2 lines 41-67.

Re claim 10: Levasseur disclose wherein determining a card usage frequency of said plurality of card identification data, wherein said card usage frequency is the number of times said plurality of card identification data has been presented for authorization in a predetermined time period-see col. 2 line 55-col. 3 line 5.

Re claim 12: Levasseur disclose wherein said plurality of local databases are resident at said audit-credit-interactive system -see Fig. 1 MEMORY (42-50);

Re claim 13: Levasseur disclose determining if said plurality of card identification data is included in said plurality of local databases -see Fig. 1 Memory (42-50) and col. 5 lines 48-64.

Re claim 14: Levasseur disclose a positive database-see Figs. 1,2 and col. 6 lines 21-35.

Re claim 16: Levasseur disclose wherein the step of updating said plurality of local databases further comprises

b) adding said card identification data to said negative-database when said cashless payment transaction authorization request is denied-see col. 6 lines 44-48;

Re claim 17: Levassuer disclose determining if a MAXIMUM AUTHORIZATION ATTEMPTS LIMIT has been reached further comprising the steps of:

a) determining a CURRENT AUTHORIZATION ATTEMPT, wherein said CURRENT AUTHORIZATION ATTEMPT is the current iteration of the local authorization routine; and

b) comparing said CURRENT AUTHORIZATION ATTEMPT to said MAXIMUM AUTHORIZATION ATTEMPTS LIMIT-see col. 2 line 55-col. 3 line 5.

4.   Claims 6,9, 11, 15, 18-33, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levasseur in view of Boston (US Patent No. 4,812,628).

Re claims 6,9: For purposes of examination, the Examiner is interpreting claim 9 to mean wherein the step of performing a card identification validity test includes authorizing a transaction by sending an authorization request to a remote location along communication lines. Levasseur do not disclose

wherein determining if a local authorization routine for
authorizing said cashless payment transaction is to be invoked
and communicating with a remote location to obtain an
authorization. Boston however, teaches ("In accordance with the
subject invention, the processor in the terminal would have the
capability of reading the risk assessment information on the
card and comparing this information to the transaction amount.
This information is compared to determine if an approval can be
granted without communicating with the issuer. If the
evaluation is favorable, the terminal will generate an approval
"off-line." If the evaluation falls beyond the limits recorded
on the card, an authorization request would be sent along
communications lines 24 to the issuer 20.")-see col. 6 lines 36-
46. It would have been obvious to one having ordinary skill in
the art at the time the invention was made to modify Levasseur
to include determining if an approval can be granted "off-
line"(local authorization) or if the authorization is to be
requested from the issuer (remote location) as taught by Boston
in order to approve transactions on site before seeking approval
remotely, therefore reducing transaction costs associated with
communications to the remote location.

   Re claim 11: For purposes of examination, the
Examiner is interpreting this claim to mean wherein the step of

performing a card usage frequency limit test includes

authorizing a transaction by sending an authorization request to

a remote location along communication lines. Although Levasseur

disclose the step of performing a card usage frequency limit

test-see col. 2 line 55-col. 3 line 5, Levasseur do not disclose

communicating with a remote location to obtain an authorization

approval for said cashless payment transaction. Boston however,

teaches ("If the particular transaction falls within the

parameters set by the issuer, the terminal itself can issue an

approval. If, however, the transaction falls without the bounds

set by the issuer, the authorization request will then be sent

on to the communication network for approval at a site remote

from the transaction.")-see col. 3 line 67-col. 4 line 6. It

would have been obvious to one having ordinary skill in the art

at the time the invention was made to modify Levasseur to

include if a transaction does not fall within the parameters set

by the issuer, the authorization request will be sent on to the

communication network for approval at a remote site as was

taught by Boston in order to reduce communication costs

associated with the remote approval.

Re claim 15: For purposes of examination, the Examiner is

interpreting this claim to mean wherein the step of performing

tests of said plurality of card identification data against a

plurality of local databases includes authorizing a transaction

by sending an authorization request to a remote location along

communication lines. Although Levasseur disclose performing

tests of said plurality of card identification data against a

plurality of local databases--see Fig. 1 Memory (42-50) and col.

5 lines 48-64, Levasseur do not disclose communicating with a

remote location to obtain an authorization approval for said

cashless payment transaction. Boston however, teaches ("If the

particular transaction falls within the parameters set by the

issuer, the terminal itself can issue an approval. If, however,

the transaction falls without the bounds set by the issuer, the

authorization request will then be sent on to the communication

network for approval at a site remote from the transaction.")-

see col. 3 line 67-col. 4 line 6. It would have been obvious to

one having ordinary skill in the art at the time the invention

was made to modify Levasseur to include if a transaction does

not fall with the parameters set by the issuer, the

authorization request will be sent on to the communication

network for approval at a remote site as was taught by Boston in

order to reduce communication costs associated with the remote

approval.

    Re claim 18: Levasseur disclose:

A method of processing a cashless payment transaction
comprising the steps of:

a)obtaining at an audit-credit-interactive system a
plurality of card identification data-see col. 2 lines 48-59;

b) performing at said audit-credit-interactive system a
local authorization of said plurality of card identification
data-see col. 6 lines 21-52;

c) transacting a vending session, wherein a sale amount is
determined; e) authorizing selectively said cashless payment
transaction; and f)settling said cashless payment transaction
-see col. 4 line 66- col. 5 line 23;

Levasseur do not disclose d) communicating said cashless
payment transaction to a remote location, wherein said cashless
payment transaction data includes at least said plurality of
card identification data and said sale amount data. Boston
however teaches ("If the particular transaction falls within the
parameters set by the issuer, the terminal itself can issue an
approval. If, however, the transaction falls without the bounds
set by the issuer, the authorization request will then be sent
on to the communication network for approval at a site remote
from the transaction.")-see col. 3 line 67-col. 4 line 6. It
would have been obvious to one having ordinary skill in the art
at the time the invention was made to modify Levasseur to

include if a transaction does not fall within the parameters set

by the issuer, the authorization request will be sent on to the

communication network for approval at a remote site as was

taught by Boston in order to reduce communication costs

associated with the remote approval.

Re claim 19: Levassuer disclose wherein said plurality of

card identification data includes data from a credit card-see

col.2 lines 41-67.

Re claim 32: Levassuer does not specifically disclose

communicating with said remote location to obtain a second

authorization from said remote location for cashless transaction

when said cashless transaction has received an approval from the

step of performing as said audit credit interactive system a

local authorization. Boston however, teaches ("In the preferred

embodiment, the processor in the terminal can be programmed to

add additional security features. For example, a random

selector in the processor can be used to automatically designate

certain transactions for transmission, no matter what was the

result of the evaluation. ")-see col. 8 and lines 55-62 in

particular. It would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify

Levasseur to include transmitting an authorization request to

the remote location after an off-line authorization as taught by

Boston in order to add an extra measure of security and prevent

fraudulent users from using the credit card.

Re claims 20, 21, 23, 24, 25, 26, 27, 28, 29, 30 have

similar limitations found in claims 3, 4, 9, 10, 12&13, 13, 14,

16, 1, 17 above, therefore are rejected by the same rationale.

Re claim 22: Levasseur disclose wherein the step of

performing at said audit-credit-interactive system a local

authorization of said plurality of card identification data

includes performing a test to determine if said card

identification data is expired based on date-see col. 2 lines

48-55.

Re claim 31: Levasseur disclose determining if said

cashless payment transaction received an authorization approval

from the step of performing at said audit-credit-interactive

system a local authorization of said plurality of card

identification data-see col. 4 line 59-col. 5 line 3., cols. 2-

3.

Re claim 33: Levasseur disclose batching into a single

batch a plurality of said cashless payment transactions-see col.

1 lines 57-61.

Re claim 35: Levasseur disclose wherein said remote
location is a credit bureau. Boston however, teaches ("The
issuer 2- may be a bank or other financial institution. Often,
the issuer will collect information from the cardholder to make
an evaluation and assign a credit limit to the cardholder…")-see
col. 4 lines 55-61 and col. 3 lines 24-31. It would have been
obvious to one having ordinary skill in the art at the time the
invention was made to modify Levasseur to include the requesting
authorization of a transaction at the issuer location (remote
location) as taught by Boston in order to reduce the risks
associated with the fraudulent use of the credit card or
exceeding credit limits.

5.   Claim 34 is rejected under 35 U.S.C. 103(a) as being
unpatentable over Levasseur in view of Boston as in claim 18,
above and further in view of Muftic (US Patent No. 5,850,442).

Re claim 34: Levasseur and Boston do not disclose
processing said cashless payment transaction in the
international currency of origin. Muftic, however teaches
conducting a variety of common electronic business transactions
over an extended network and ("In this case, the current value
field contains a summation of all certificates, such as that
shown in FIG. 1910 converted, using conversion values from the

nationality stated to a desired currency value.")-see col. 17

lines 4-7. It would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify

Levasseur and Boston to include conversion of electronic money

into a desired international currency as taught by Muftic in

order for the user to gain a better understanding of expenses

charged and reflected on the credit card statement.

Conclusion

6.   The prior art made of record and not relied upon is

considered pertinent to applicant's disclosure.

Savitch, Walter. "Problem Solving with C++, The Object of

Programming". Reading: Addison-Wesley Longman, Inc., 1999, pp.

406-413.-cited for its reference to counters used in computer

programming.

US Patent No. 5,591,949 (Bernstein)-cited for an automatic

portable account controller for remotely arranging for payment

of debt to a vendor.

US Patent No. 5,285,382 (Muehlberger et al.) -cited for a

system and method for processing credit and debit card validity

and funds transactions from vending machines and similar

terminals.

US Patent No. 4,485,300 (Peirce)-cited for a loss control

system wherein a data control center is provided with

parameters, supplied by each issuer, for determining which

authorization requests are to be forwarded to the issuer for

approval.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Elda

Milef whose telephone number is (571)272-8124. The examiner can

normally be reached on Monday -Thursday 8:30 am to 4:30pm.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Hyung Sough can be

reached on (571)272-6799. The fax phone number for the

organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be

obtained from the Patent Application Information Retrieval

(PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

***

HYUNG SO HCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER